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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,262	03/31/2004	John F. Engelhardt	875.074US1	7471

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
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EXAMINER

HILL, KEVIN KAI

ART UNIT	PAPER NUMBER
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1633

NOTIFICATION DATE	DELIVERY MODE
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06/01/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10815262	3/31/2004	ENGELHARDT ET AL.	875.074US1

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EXAMINER

KEVIN K. HILL

ART UNIT	PAPER
1633	20100524-A

DATE MAILED:

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Commissioner for Patents

Applicant has filed an Information Disclosure Statement on May 20, 2010 that has been considered.

The Examiner's consideration of the Information Disclosure Statements filed March 10, 2008, September 23, 2008, May 6, 2009, December 12, 2009, and January 14, 2010 has been updated to reflect the Office Actions per copending applications. The documents listed that are office actions have been crossed off the 1449 so that it will not appear on the face of any patent issuing from the instant application. Office actions and responses from other cases are not considered to be a document under 37 CFR 1.98.

It is noted that the Information Disclosure Statements list a number of International Search Reports for various International PCT applications. While the Search Report documents themselves have been considered, please note that the references cited in each search report have not been considered. The listing of references in a Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98.

37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper."

Therefore, as noted above, the references cited in each of the Search Reports listed in the IDS have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

The signed and initialed PTO Forms 1449 are mailed with this action.

/Kevin K. Hill/
Primary Examiner, Art Unit 1633